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77-9900/2

*Noted by DCI
18 OCT 1977
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W.I.F.*

OLC 77-4497

MEMORANDUM FOR: Director of Central Intelligence

VIA: Acting Deputy Director
for Central Intelligence

FROM: George L. Cary
Legislative Counsel

SUBJECT: Briefing of the House Permanent Select
Committee on Intelligence, 19 October 1977

1. ☐ Action requested: None; for information only. 25X1
2. ☐ Background: Your briefing of the House Permanent Select Committee on Intelligence is set for Wednesday, 19 October, 0830 to 1030 hours, in Room H 405, The Capitol. Attached is a copy of the Witness List including the agenda. Mr. John McMahon or another senior member of his staff is available to accompany you should you so desire. The DDO is furnishing to you separately a statement on covert action with an accompanying outline. (Available according to #8 Oct) 25X1
3. ☐ We would suggest that you not comment on the problems of House Rule 11 in your discussion of your role and responsibilities (the last item in your outline). This subject is covered in a sharper context in your covert action statement when you discuss the reporting requirements under the Hughes-Ryan Amendment. 25X1

☐

for George L. Cary

Attachments

1. Briefing Sheet
2. Witness List
3. Bio Cards on Committee Members
4. DCI and IC Staff Outlines - Role of the DCI
5. OLC's Comments on Outline

(EXECUTIVE REGISTRY FILE C-38.4)

☐ 25X1

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95TH CONGRESS
1ST SESSION

H. RES. 658

[Report No. 95-498]

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1977

Mr. WRIGHT submitted the following resolution; which was referred to the Committee on Rules

JULY 13, 1977

Reported with amendments, referred to the House Calendar, and ordered to be printed

JULY 14, 1977

Considered, amended, and agreed to

RESOLUTION

1 *Resolved*, That it is the purpose of this resolution to establish
2 a new permanent select committee of the House, to be known as
3 the Permanent Select Committee on Intelligence, to oversee and
4 make continuing studies of the intelligence and intelligence-
5 related activities and programs of the United States Govern-
6 ment, and to submit to the House appropriate proposals for legis-
7 lation and report to the House concerning such intelligence and
8 intelligence-related activities and programs. In carrying out this
9 purpose, the Permanent Select Committee on Intelligence shall
10 make every effort to assure that the appropriate departments and
11 agencies of the United States provide informed and timely in-
12 telligence necessary for the executive and legislative branches to
13 make sound decisions affecting the security and vital interests of

V—O

1 the Nation. It is further the purpose of this resolution to provide
2 vigilant legislative oversight over the intelligence and intelligence-
3 related activities of the United States to assure that such activi-
4 ties are in conformity with the Constitution and laws of the
5 United States.

6 SEC. 2. The Rules of the House of Representatives are
7 amended by adding at the end thereof the following:

8 "RULE XLVIII.

9 "PERMANENT SELECT COMMITTEE ON INTELLIGENCE

10 "1. (a) There is hereby established a permanent select
11 committee to be known as the Permanent Select Committee
12 on Intelligence (hereinafter in this rule referred to as the
13 'select committee'). The select committee shall be composed
14 of thirteen Members with representation to include at least
15 one Member from:

16 " (1) the Committee on Appropriations;

17 " (2) the Committee on Armed Services;

18 " (3) the Committee on International Relations; and

19 " (4) the Committee on the Judiciary.

20 " (b) The majority leader of the House and the minority
21 leader of the House shall be ex officio members of the select
22 committee but shall have no vote in the committee and shall
23 not be counted for purposes of determining a quorum.

24 " (c) No Member of the House may serve on the select
25 committee for more than six years of continuous service, ex-
26 clusive of service by any Member of the House on such com-

1 mittee during the Ninety-fifth Congress. To the greatest extent
2 practicable, at least four of the Members of the House appointed
3 to the select committee at the beginning of the Ninety-seventh
4 Congress and each Congress thereafter shall be Members of the
5 House who did not serve on such committee during the preceding
6 Congress.

7 “2. (a) There shall be referred to the select committee all
8 proposed legislation, messages, petitions, memorials, and other
9 matters relating to the following:

10 “(1) The Central Intelligence Agency and the Director
11 of Central Intelligence.

12 “(2) Intelligence and intelligence-related activities of
13 all other departments and agencies of the Government,
14 including, but not limited to, the intelligence and intelligence-
15 related activities of the Defense Intelligence Agency, the
16 National Security Agency, and other agencies of the Depart-
17 ment of Defense; the Department of State; the Department
18 of Justice; and the Department of the Treasury.

19 “(3) The organization or reorganization of any depart-
20 ment or agency of the Government to the extent that the
21 organization or reorganization relates to a function or activity
22 involving intelligence or intelligence-related activities.

23 “(4) Authorizations for appropriations, both direct and
24 indirect, for the following:

25 “(A) The Central Intelligence Agency and Direc-
26 tor of Central Intelligence.

1 “(B) The Defense Intelligence Agency.

2 “(C) The National Security Agency.

3 “(D) The intelligence and intelligence-related
4 activities of other agencies and subdivisions of the
5 Department of Defense.

6 “(E) The intelligence and intelligence-related
7 activities of the Department of State.

8 “(F) The intelligence and intelligence-related
9 activities of the Federal Bureau of Investigation,
10 including all activities of the Intelligence Division.

11 “(G) Any department, agency, or subdivision which
12 is the successor to any agency named in subdivision
13 (A), (B), or (C); and the activities of any depart-
14 ment, agency, or subdivision which is the successor to
15 any department, agency, bureau, or subdivision named
16 in subdivision (D), (E), or (F) to the extent that the
17 activities of such successor department, agency, or sub-
18 division are activities described in subdivision (D), (E),
19 or (F).

20 “(b) Any proposed legislation initially reported by the
21 select committee, except any legislation involving matters speci-
22 fied in subparagraph (1) or (4) (A) of paragraph (a), con-
23 taining any matter otherwise within the jurisdiction of any stand-
24 ing committee shall, at the request of the chairman of such
25 standing committee, be referred to such standing committee by
26 the Speaker for its consideration of such matter and be reported

1 to the House by such standing committee within the time pre-
2 scribed by the Speaker in the referral; and any proposal legisla-
3 tion initially reported by any committee, other than the select
4 committee, which contains any matter within the jurisdiction of
5 the select committee shall, at the request of the chairman of the
6 select committee, be referred by the Speaker to the select com-
7 mittee for its consideration of such matter and be reported to the
8 House within the time prescribed by the Speaker in the referral.

9 “(c) Nothing in this rule shall be construed as prohibiting
10 or otherwise restricting the authority of any other committee to
11 study and review any intelligence or intelligence-related activity
12 to the extent that such activity directly affects a matter otherwise
13 within the jurisdiction of such committee.

14 “(d) Nothing in the rule shall be construed as amending,
15 limiting, or otherwise changing the authority of any standing
16 committee of the House to obtain full and prompt access to the
17 product of the intelligence and intelligence-related activities of
18 any department or agency of the Government relevant to a
19 matter otherwise within the jurisdiction of such committee.

20 “3. (a) The select committee, for the purposes of account-
21 ability to the House, shall make regular and periodic reports to
22 the House on the nature and extent of the intelligence and in-
23 telligence-related activities of the various departments and agen-
24 cies of the United States. Such committee shall promptly call to
25 the attention of the House or to any other appropriate committee
26 or committees of the House any matters requiring the attention

1 of the House or such other committee or committees. In making
2 such reports, the select committee shall proceed in a manner
3 consistent with clause 7 to protect national security.

4 “(b) The select committee shall obtain an annual report
5 from the Director of the Central Intelligence Agency, the
6 Secretary of Defense, the Secretary of State, and the Director
7 of the Federal Bureau of Investigation. Such reports shall review
8 the intelligence and intelligence-related activities of the agency
9 or department concerned and the intelligence and intelligence-
10 related activities of foreign countries directed at the United States
11 or its interest. An unclassified version of each report may be
12 made available to the public at the discretion of the select
13 committee. Nothing herein shall be construed as requiring the
14 public disclosure in such reports of the names of individuals
15 engaged in intelligence or intelligence-related activities for the
16 United States or the divulging of intelligence methods employed
17 or the sources of information on which such reports are based
18 or the amount of funds authorized to be appropriated for intelli-
19 gence and intelligence-related activities.

20 “(c) On or before March 15 of each year, the select com-
21 mittee shall submit to the Committee on the Budget of the House
22 the views and estimates described in section 301(c) of the
23 Congressional Budget Act of 1974 regarding matters within the
24 jurisdiction of the select committee.

25 “4. To the extent not inconsistent with the provisions of

1 this rule, the provisions of clauses 1, 2, 3, and 5 (a), (b), and
2 (c) of rule XI shall apply to the select committee.

3 "5. No employee of the select committee or any person
4 engaged by contract or otherwise to perform services for or at
5 the request of such committee shall be given access to any clas-
6 sified information by such committee unless such employee or
7 person has (1) agreed in writing and under oath to be bound
8 by the rules of the House (including the jurisdiction of the Com-
9 mittee on Standards of Official Conduct and of the select com-
10 mittee as to the security of such information during and after
11 the period of his employment or contractual agreement with
12 such committee) ; and (2) received an appropriate security clear-
13 ance as determined by such committee in consultation with the
14 Director of Central Intelligence. The type of security clearance
15 to be required in the case of any such employee or person shall,
16 within the determination of such committee in consultation with
17 the Director of Central Intelligence, be commensurate with the
18 sensitivity of the classified information to which such employee
19 or person will be given access by such committee.

20 "6. The select committee shall formulate and carry out such
21 rules and procedures as it deems necessary to prevent the dis-
22 closure, without the consent of the person or persons concerned,
23 of information in the possession of such committee which unduly
24 infringes upon the privacy or which violates the constitutional

1 rights of such person or persons. Nothing herein shall be con-
2 strued to prevent such committee from publicly disclosing any
3 such information in any case in which such committee determines
4 that national interest in the disclosure of such information clearly
5 outweighs any infringement on the privacy of any person or
6 persons.

7 "7. (a) The select committee may, subject to the provisions
8 of this clause, disclose publicly any information in the possession
9 of such committee after a determination by such committee that
10 the public interest would be served by such disclosure. Whenever
11 committee action is required to disclose any information under
12 this clause, the committee shall meet to vote on the matter within
13 five days after any member of the committee requests such a
14 vote. No member of the select committee shall disclose any in-
15 formation, the disclosure of which requires a committee vote,
16 prior to a vote by the committee on the question of the disclosure
17 of such information or after such vote except in accordance with
18 this clause.

19 "(b) (1) In any case in which the select committee votes
20 to disclose publicly any information which has been classified
21 under established security procedures, which has been sub-
22 mitted to it by the executive branch, and which the executive
23 branch requests be kept secret, such committee shall notify the
24 President of such vote.

25 "(2) The select committee may disclose publicly such

1 information after the expiration of a five-day period following
2 the day on which notice of such vote is transmitted to the Presi-
3 dent, unless, prior to the expiration of such five-day period, the
4 President, personally in writing, notifies the committee that he
5 objects to the disclosure of such information, provides his reasons
6 therefor, and certifies that the threat to the national interest of
7 the United States posed by such disclosure is of such gravity
8 that it outweighs any public interest in the disclosure.

9 “(3) If the President, personally, in writing, notifies the
10 select committee of his objections to the disclosure of such infor-
11 mation as provided in subparagraph (2), such committee may,
12 by majority vote, refer the question of the disclosure of such infor-
13 mation with a recommendation thereon to the House for con-
14 sideration. The committee shall not publicly disclose such infor-
15 mation without leave of the House.

16 “(4) Whenever the select committee votes to refer the
17 question of disclosure of any information to the House under sub-
18 paragraph (3), the chairman shall, not later than the first day
19 on which the House is in session following the day on which the
20 vote occurs, report the matter to the House for its consideration.

21 “(5) If within four calendar days on which the House is
22 in session, after such recommendation is reported, no motion has
23 been made by the chairman of the select committee to consider,
24 in closed session, the matter reported under subparagraph (4),

1 then such a motion will be deemed privileged and may be made
2 by any Member. The motion under this subparagraph shall not
3 be subject to debate or amendment. When made, it shall be
4 decided without intervening motion, except one motion to adjourn.

5 “(6) If the House adopts a motion to resolve into closed
6 session, the Speaker shall then be authorized to declare a recess
7 subject to the call of the Chair. At the expiration of such recess,
8 the pending question, in closed session, shall be, ‘Shall the House
9 approve the recommendations of the select committee?’

10 “(7) After not more than two hours of debate on the
11 motion, such debate to be equally divided and controlled by the
12 chairman and ranking minority member of the select committee,
13 or their designees, the previous question shall be considered as
14 ordered and the House, without intervening motion except one
15 motion to adjourn, shall immediately vote on the question, in
16 open session but without divulging the information with respect
17 to which the vote is being taken. If the recommendation of the
18 select committee is not agreed to, the question shall be deemed
19 recommitted to the select committee for further recommendation.

20 “(c) (1) No information in the possession of the select
21 committee relating to the lawful intelligence or intelligence-
22 related activities of any department or agency of the United
23 States which has been classified under established security
24 procedures and which the select committee, pursuant to para-

1 graph (b) (2) of this clause, has determined should not be
2 disclosed shall be made available to any person by a Member,
3 officer, or employee of the House except as provided in sub-
4 paragraph (2).

5 “(2) The select committee shall, under such regulations
6 as the committee shall prescribe, make any information described
7 in subparagraph (1) available to any other committee or any
8 other Member of the House and permit any other Member of
9 the House to attend any hearing of the committee which is
10 closed to the public. Whenever the select committee makes such
11 information available, the committee shall keep a written record
12 showing, in the case of any particular information, which com-
13 mittee or which Members of the House received such information.
14 No Member of the House who, and no committee which, receives
15 any information under this subparagraph, shall disclose such
16 information except in a closed session of the House.

17 “(d) The Committee on Standards of Official Conduct
18 shall investigate any unauthorized disclosure of intelligence or
19 intelligence-related information by a Member, officer, or employee
20 of the House in violation of paragraph (c) and report to the
21 House concerning any allegation which it finds to be sub-
22 stantiated.

23 “(e) Upon the request of any person who is subject to
24 any such investigation, the Committee on Standards of Official
25 Conduct shall release to such individual at the conclusion of

1 its investigation a summary of its investigation, together with
2 its findings. If, at the conclusion of its investigation, the Com-
3 mittee on Standards of Official Conduct determines that there
4 has been a significant breach of confidentiality or unauthorized
5 disclosure by a Member, officer, or employee of the House, it
6 shall report its findings to the House and recommend appropriate
7 action such as censure, removal from committee membership, or
8 expulsion from the House, in the case of a Member, or removal
9 from office or employment or punishment for contempt, in the
10 case of an officer or employee.

11 "8. The select committee is authorized to permit any personal
12 representative of the President, designated by the President to
13 serve as a liaison to such committee, to attend any closed meeting
14 of such committee.

15 "9. Subject to the rules of the House, no funds shall be
16 appropriated for any fiscal year beginning after September 30,
17 1978, with the exception of a continuing bill or resolution
18 continuing appropriations, or amendment thereto, or conference
19 report thereon, to, or for use of, any department or agency of
20 the United States to carry out any of the following activities,
21 unless such funds shall have been previously authorized by a
22 bill or joint resolution passed by the House during the same or
23 preceding fiscal year to carry out such activity for such fiscal
24 year:

1 “(a) The activities of the Central Intelligence Agency
2 and the Director of Central Intelligence.

3 “(b) The activities of the Defense Intelligence Agency.

4 “(c) The activities of the National Security Agency.

5 “(d) The intelligence and intelligence-related activities
6 of other agencies and subdivisions of the Department of
7 Defense.

8 “(e) The intelligence and intelligence-related activities
9 of the Department of State.

10 “(f) The intelligence and intelligence-related activities
11 of the Federal Bureau of Investigation, including all activi-
12 ties of the Intelligence Division.

13 “10. (a) As used in this rule, the term ‘intelligence and
14 intelligence-related activities’ includes (1) the collection, anal-
15 ysis, production, dissemination, or use of information which relates
16 to any foreign country, or any government, political group, party,
17 military force, movement, or other association in such foreign
18 country, and which relates to the defense, foreign policy, na-
19 tional security, or related policies of the United States, and
20 other activity which is in support of such activities; (2) activi-
21 ties taken to counter similar activities directed against the United
22 States; (3) covert or clandestine activities affecting the relations
23 of the United States with any foreign government, political group,
24 party, military force, movement, or other association; (4) the
25 collection, analysis, production, dissemination, or use of informa-

1 tion about activities of persons within the United States, its
2 territories and possessions, or nationals of the United States
3 abroad whose political and related activities pose, or may be
4 considered by any department, agency, bureau, office, division,
5 instrumentality, or employee of the United States to pose, a
6 threat to the internal security of the United States, and covert
7 or clandestine activities directed against such persons.

8 “(b) As used in this rule, the term ‘department or agency’
9 includes any organization, committee, council, establishment, or
10 office within the Federal Government.

11 “(c) For purposes of this rule, reference to any department,
12 agency, bureau, or subdivision shall include a reference to any
13 successor department, agency, bureau, or subdivision to the
14 extent that such successor engages in intelligence or intelligence-
15 related activities now conducted by the department, agency,
16 bureau, or subdivision referred to in this rule.

17 “11. Clause 6 (a) of rule XXVIII does not apply to confer-
18 ence committee meetings respecting legislation (or any part
19 thereof) reported from the Permanent Select Committee on
20 Intelligence.”.

21 SEC. 3. (a) The Permanent Select Committee on Intelli-
22 gence shall make a study with respect to the following matters,
23 taking into consideration with respect to each such matter, all
24 relevant aspects of the effectiveness of planning, gathering, use,
25 security, and dissemination of intelligence:

1 (1) the quality of the analytical capabilities of United
2 States intelligence and intelligence-related activities and
3 means for integrating more closely analytical intelligence
4 and policy formulation;

5 (2) the extent and nature of the authority of the depart-
6 ments and agencies of the executive branch to engage in
7 intelligence and intelligence-related activities and the
8 desirability of developing charters for each intelligence
9 agency or department;

10 (3) the organization of intelligence and intelligence-
11 related activities in the executive branch to maximize the
12 effectiveness of the conduct, oversight, and accountability of
13 intelligence and intelligence-related activities; to reduce
14 duplication or overlap; and to improve the morale of the per-
15 sonnel of the intelligence and intelligence-related agencies;

16 (4) the conduct of covert and clandestine activities and
17 the procedures by which Congress is informed of such
18 activities;

19 (5) the desirability of changing any law, House rule
20 or procedure, or any Executive order, rule, or regulation to
21 improve the protection of intelligence secrets and provide
22 for disclosure of information for which there is no compelling
23 reason for secrecy;

24 (6) the desirability of establishing a joint committee of
25 the Senate and the House of Representatives on intelligence

1 and intelligence-related activities in lieu of having separate
2 committees in each House of Congress, or of establishing
3 procedures under which separate committees on intelligence
4 and intelligence-related activities of the two Houses of Con-
5 gress would receive joint briefings from the intelligence and
6 intelligence-related agencies and coordinate their policies
7 with respect to the safeguarding of sensitive intelligence
8 information;

9 (7) the authorization of funds for the intelligence and
10 intelligence-related activities of the Government and whether
11 disclosure of any of the amounts of such funds is in the public
12 interest; and

13 (8) the development of a uniform set of definitions for
14 terms to be used in policies or guidelines which may be
15 adopted by the executive or legislative branches to govern,
16 clarify, and strengthen the operation of intelligence and in-
17 telligence-related activities.

18 (b) The Permanent Select Committee on Intelligence shall
19 report the results of the study provided for by this section to the
20 House, together with any recommendations for legislative or
21 other actions as it deems appropriate, not later than the close of
22 the Ninety-fifth Congress.

1 SEC. 4. All records, files, documents, and other materials of
2 the Select Committee on Intelligence of the Ninety-fourth Con-
3 gress now in the possession, custody, or control of the Clerk of
4 the House shall be transferred to the Permanent Select Com-
5 mittee on Intelligence.

Passed the House of Representatives July 14, 1977.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

95TH CONGRESS
1ST SESSION

H. RES. 658

[Report No. 95-498]

RESOLUTION

To amend the Rules of the House of Representatives and establish a Permanent Select Committee on Intelligence.

By Mr. WRIGHT

JUNE 27, 1977

Referred to the Committee on Rules

JULY 13, 1977

Reported with amendments, referred to the House Calendar, and ordered to be printed

JULY 14, 1977

Considered, amended, and agreed to

Nov 2 8 42 AM '77
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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

77-9835

FROM:

Legislative Counsel
6C19 HQ

EXTENSION

NO.

C-38.4

DATE 12 October 1977

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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A/DDCI

1 NOV 1977

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Attached per your request is H. Res. 658, the resolution that established the House Permanent Select Committee on Intelligence.

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EXECUTIVE REGISTRY FILE C.38.4

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